

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DARRYL R. CHAMBERS,

Plaintiff,

vs.

DELA CRUZ, Case Manager, Tecumseh State Prison, All employed at Lincoln Correctional Center; SCOTT FRAKES, Director, All employed at Lincoln Correctional Center; COLEMAN, Case Manager, Nebraska State Penitentiary, All employed at Lincoln Correctional Center; AMANDA CHADWICK, Unit Manager; ZAMORA, Case Manager; CROWDER, Case Manager, All employed at Lincoln Correctional Center; CATHY SHEIR, Warden, All employed at Lincoln Correctional Center; SHERWOOD, Case Manager, All employed at Lincoln Correctional Center; HANSEN, Warden; ATHENA THOMAS, Unit Administrator, All employed at Tecumseh Correctional Center; HARDY, Corporal, All employed at Tecumseh Correctional Center; PAM HILLMAN, All Employed at Tecumseh Correctional Center; BRAD HANSEN, Warden, All employed at Tecumseh Correctional Center; HARBANS S. DEOL, D.O.; JOHN DOE NOS. 1-5, and CRAIG GABLE, Warden;

Defendants.

4:19-CV-3047

ORDER

This matter is before the Court to calculate plaintiff Darryl R. Chambers's initial filing fee for his appeal pursuant to the Prison Litigation Reform Act (PLRA). On February 3, 2023, the Court filed an order directing Chambers to provide the Court with a certified copy of his prison account statement for the six months preceding January 30, 2023, which is when Chambers filed his notice of appeal. [Filing 177](#). The Court has received Chambers's account statement and can now make the required calculations.

Under 28 U.S.C. § 1915, a prisoner appealing a civil action *in forma pauperis* “shall be required to pay the full amount of a filing fee.” 28 U.S.C. § 1915(b)(1). The Court must assess and collect an initial partial filing fee from the prisoner, which is calculated at 20 percent of the greater of (1) “the average monthly deposits to the prisoner’s account;” or (2) “the average monthly balance in the prisoner’s account for the 6-month period immediately preceding the filing of the complaint or notice of appeal.” *Id.* at § 1915(b)(1)(A)–(B).

Based on Chambers’s account statement, the average monthly deposits into his account are \$134.03 and the average monthly balance of his account is \$6.56. Twenty percent of \$134.03 is \$26.81. Thus, the initial filing fee that Chambers must pay is \$26.81.

Chambers must pay the \$26.81 initial filing fee to the Clerk of Court for the District of Nebraska, 111 South 18th Plaza, Suite 1152, Omaha, NE 68102-1322. After this amount is paid, Chambers is required to make monthly payments of 20 percent of the preceding month’s income credited to his account until the appellate filing fee is paid. *See* 28 U.S.C. § 1915(b)(2). The prison officials at Chambers’s place of incarceration shall forward payments from Chambers’s account to the Clerk of Court for the District of Nebraska each time the amount in Chambers’s account exceeds \$10.00. *See id.* at § 1915(b)(2). Accordingly,

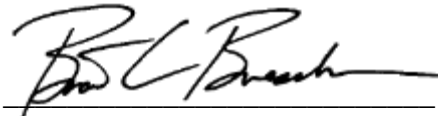
IT IS ORDERED:

1. Chambers shall pay the \$26.81 initial filing fee to the Clerk of Court for the District of Nebraska, 111 South 18th Plaza, Suite 1152, Omaha, NE 68102-1322;
2. Chambers shall make monthly payments of 20 percent of the preceding months’ income credited to his account until the appellate filing fee is paid;

3. The prison officials at Chambers's place of incarceration shall forward payments from Chambers's account to the Clerk of Court for the District of Nebraska each time the amount in Chambers's account exceeds \$10.00; and
4. The Clerk of Court is directed to mail a copy of this order to the appropriate official at Chambers's place of incarceration.

Dated this 1st day of March, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", is written over a horizontal line.

Brian C. Buescher
United States District Judge